



00684.002935

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
	:	Examiner: J. M. Schwartz
Toshiyuki YOSHIHARA)	
	:	Group Art Unit: 2873
Application No.: 09/438,491)	
	:	Confirmation No.: 9399
Filed: November 12, 1999)	
	:	Allowed: February 25, 2005
For: ABERRATION CORRECTING)	
OPTICAL SYSTEM	:	May 16, 2005

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

LETTER REQUESTING THAT PREVIOUSLY PAID ISSUE FEE
BE APPLIED TO ISSUE FEE CURRENTLY DUE

Sir:

Applicant, having received a Notice of Allowance (PTOL-85), mailed February 25, 2005, in the above-identified patent application, hereby submits an Issue Fee Transmittal form. Applicant requests that the previously paid Issue Fee and the fee for the advance order of five (5) patent copies in the amount of \$1,685.00, paid October 5, 2004 (copy enclosed), be applied towards the Issue Fee of \$1,700.00, which is currently due. (A copy of a Decision issued by the Office of Petitions on November 22, 2004, is attached wherein the Petitions Examiner indicates that the previously paid fee may be re-applied.)

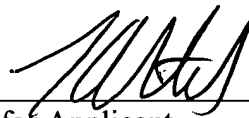
As discussed above, the Issue Fee and advance patent copy order in the amount of \$1,685.00 was previously paid on October 5, 2004. However, the Issue Fee was raised to

\$1,400.00 on December 8, 2004. Therefore, Applicant submits herewith a check in the amount of \$30.00 to cover the difference between the amount paid for the Issue Fee and Publication Fee on October 5, 2004 (\$1,670.00), and the amount now due for both of these fees (\$1,700.00). Applicant also renews his advance order for five (5) patent copies.

The Commissioner is authorized to charge Deposit Account No. 06-1205 should any other fees be deemed necessary in connection with the filing of these papers.

Applicant's undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below listed address.

Respectfully submitted,



Attorney for Applicant

Lawrence A. Stahl

Registration No. 30,110

FITZPATRICK, CELLA, HARPER & SCINTO

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OFFICE OF PETITIONS

In re Application of
Toshiyuki Yoshihara
Application No. 09/438,491
Filed: November 12, 1999
Attorney Docket No. 684.2935

ON PETITION

This is a decision on the petition, filed November 19, 2004, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

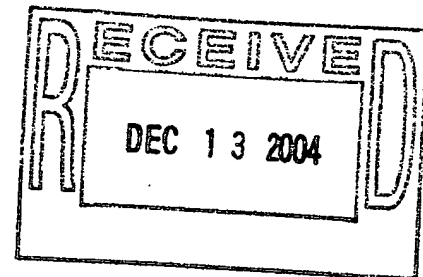
Petitioner is advised that the issue fee paid on October 5, 2004 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.¹

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2873 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



¹ The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Date 10 / 5 / 2004
Mo. Day Yr.
Atty. Docket 0284.002935
Application No. 07438491

Sir:

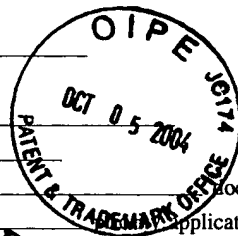
Kindly acknowledge receipt of the accompanying:

- ☐ Response to Official Action. _____
- ☐ Check for \$ _____ (claims fee)
- ☐ Petition under 37 CFR 1.136 and Check for \$ _____
- ☐ Notice of Appeal and Check for \$ _____
- ☐ Information Disclosure Statement, PTO-1449 and _____ documents
- ☐ Claim for priority and certified copies of _____ applications
- ☒ Issue fee transmittal and Check for \$ 1,685.00
- ☐ Other (specify) _____

by placing your receiving date stamp hereon and returning to deliverer.

Atty. SAW/EAB

Due Date 12 / 20 / 2004
Mo. Day Yr.



FD-500-00